

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE-III
AIZAWL JUDICIAL DISTRICT : AIZAWL**

Bail appln. No.1532/2013
A/o G.R. No. 241/2013
In CPI-PS C/No. 148/2013
u/s 376(2)(i) IPC

Before

Smt. Helen Dawngliani,
Addl. District & Sessions Judge
Aizawl Judicial District, Aizawl

Lalchhuanawma
S/o Lalringi
N. Khawbung
Champhai District
Mizoram

.....

Accused/Applicant

Versus

State of Mizoram

.....

Respondent

Date of Hearing

.....

15.01.2014

Date of Order

.....

23.01.2014

A P P E A R A N C E

For the accused/applicant

.....

Mr. L.H. Lianhrima, Advocate

For the respondent

.....

Mrs. Rose Mary, Addl. PP

Ms. Lalrinpuui, APP

O R D E R

Seen an application submitted by Lalchuanawma from District Jail, Champhai for grant of bail endorsed to me by the Ld. Session Judge, Aizawl for disposal.

Case Diary including other documents pertaining to investigation of the case are received from the Investigating Officer.

Since the accused applicant does not have a Counsel to represent him, Mr. L.H. Lianhrima, Advocate has been appointed to appear on his behalf u/s 304 CrPC.

I have heard the ld. Counsels.

Mr. L.H. Lianhrima, the ld. Counsel for the accused applicant submitted that the materials on record shows that FIR was not lodged against the accused, however, during the course of investigation, the accused was arrested on 22.10.2013. The accused has just completed 18 years and does not have any criminal antecedents. The ld. Counsel also submitted that the accused is a native of Mizoram and a permanent resident of North Khawbung. The ld. Counsel submitted that from the materials on record it appears that investigation is almost completed

and as the accused has been in judicial custody since 22.10.2013 it appears that he is not required for investigation and there is no danger of the accused hampering with investigation. The Id. Counsel also submitted that the parties have come to a compromise and this has been made known to the Court through various NGOs such as YMA North Khawbung Branch, MUP, MHIP as well as the Village Council/Court, North Khawbung and Mizo Presbyterian Church, North Khawbung. On the aforesaid grounds, the Id. Counsel prays to release the accused on bail.

On the other hand, the Id. Addl. PP submitted that the accused is arrested for a serious offence of Crime Against Women. The Id. Counsel submitted that since the complainant and the accused are from the same village it is not safe for the general public and for the prosecutrix in particular if the accused is enlarged on bail at this stage. On the aforesaid ground, the Id. Counsel prays to reject the bail application.

Heard the Id. Counsels and perused the materials produced by the Investigating Officer. It is seen that investigation is almost completed and the record also shows that the accused has been detained in judicial custody since 22.10.2013. In terms of the Arrest Memo of the accused which is sent by the Investigating Officer, the accused does not have passed criminal record, he is not likely to escape bail, he is not dangerous, he has not previously escape bail and is not wanted in any other case. The same document also shows the date of birth of the accused as 26.6.1995. I have also perused the letters executed by different NGOs acknowledging the fact that the victim has compromised with the accused. Though the offence with which the accused is arrested is not a compoundable offence, I am of the considered opinion that the same would be of value while considering bail application.

Accordingly, considering the age, character and antecedents of the accused, the accused shall be released on bail to the satisfaction of the Id. Chief Judicial Magistrate, Champhai District, Champhai on the following conditions: -

- 1) The Accused/Applicant shall attend Court regularly in terms of the bond executed by him.
- 2) He shall not commit any offence or similar offence of which he is being suspected.
- 3) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or tampered with the evidence.
- 4) He shall not act in any manner which would intimidate the prosecutrix and her family so as to disturb their normal living.
- 5) He shall not leave the State of Mizoram without prior permission of the Court handling his case.

Sent back the record to the Investigating Officer through Deputy Superintendent of Police (Prosecution), District Court, Aizawl.

With the above Order, the application stands disposed off.

Sd/- HELEN DAWNGLIANI
Addl. District & Session Judge-III
Aizawl Judicial District, Aizawl

Memo No..... AD & SJ (A)/2013 : Dated Aizawl, the 23rd January, 2014
Copy to :-

1. Accused Lalchhuanawma through Superintendent, District Jail, Champhai.
2. Investigating Officer through Deputy Superintendent of Police (Prosecution), District Court, Aizawl.
3. Chief Judicial Magistrate, Champhai District, Champhai.
4. Registration Section.
5. Case Record.
6. Guard File.

P E S H K A R